

GARY D. JOSEPHSON #5299
Assistant Attorney General
SEAN D. REYES #7969
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
PO Box 140874
Salt Lake City, UT 84114
Telephone: 801-366-0375
Facsimile: 801-366-0378

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

UTAH INSURANCE DEPARTMENT,

Complainant,

v.

BEAR LAKE COMMUNITY HEALTH
CENTER, INC.
325 West Logan Highway
Garden City, UT 84028
Unlicensed

Respondent.

STIPULATION AND ORDER

Docket No. 2015-054 LC

Epf. Case No. 3615

Judge Mark E. Kleinfeld
Administrative Law Judge

STIPULATION

The Utah Insurance Department ("Department"), by and through its legal counsel, and Bear Lake Community Health Center, Inc. ("Respondent"), hereby stipulate and agree as follows:

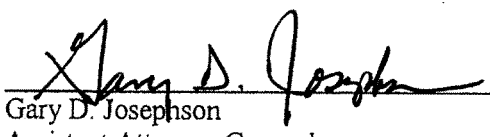
1. Respondent is a federally funded health center and unlicensed health discount program operator. Respondent's business address is 325 West Logan Highway, Garden City, Ut.

2. The Department has jurisdiction over the parties and subject matter of this administrative action.
3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.
4. Respondent has the right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.
5. This signed Stipulation and the signed and Order by the Commissioner or his representative, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.
6. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.
9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.
10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 11 day of May, 2015.


LaVal Jensen, CEO
BEAR LAKE COMMUNITY HEALTH CENTER, INC.

Dated this 13th day of May, 2015


Gary D. Josephson
Assistant Attorney General
UTAH INSURANCE DEPARTMENT

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. From February 9, 2008 to December 31, 2011, Respondent was licensed as a health care program marketer. On December 31, 2011, Respondent's license lapsed for failure to renew.
2. On December 19, 2014, Respondent submitted an application for a health discount program operator license. As part of the application process, applicants are required to submit their internal administrative procedures. During the review of the application, the Department found that the procedures were updated on 10/16/2012, 10/24/2012, and 10/30/2012. Respondent was not licensed during the update.

3. On January 28, 2015, the Department contacted Respondent and asked for additional information and explanation. On February 12, 2015, Respondent responded stating that the discovery that it was unlicensed was made during an internal audit. Respondent provided the member enrollment numbers for 2012, 2013, and 2014. The response from Respondent confirmed that Respondent was operating a health discount program for three years without being licensed by the Department.

4. On April 9, 2015, the parties agreed to an administrative forfeiture in the amount of \$3,000.00.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Code Section 31A-8a-201 requires that prior to operating or marketing a health discount program, a person or entity must be authorized to transact business in Utah and be licensed by the Commissioner.

2. Respondent was in violation of the above statute during 2012, 2013, and 2014 when it was unlicensed and transacting health discount program business.

3. An administrative forfeiture in the amount of \$3,000.00 is appropriate under the circumstances of this matter.

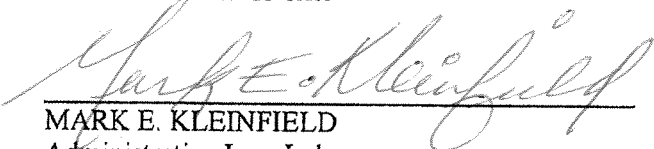
Based upon the Findings and Fact and Conclusions of Law, the Presiding Officer enters the following Order:

ORDER

Respondent is hereby ordered to pay an administrative forfeiture in the amount of \$3,000.00 to the Department within 30 days of the date of this signed Order.

DATED this 13 day of May, 2015.

TODD E. KISER
Insurance Commissioner



MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department

NOTIFICATION TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

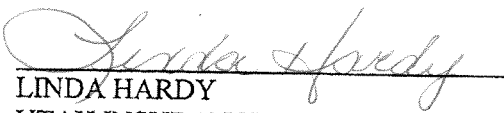
You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

CERTIFICATE OF MAILING

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing **STIPULATION AND ORDER** was mailed, postage prepaid, to the following:

DATED this 14th day of May, 2015.

**BEAR LAKE COMMUNITY HEALTH CENTER, INC.
LA VAL JENSEN, CEO
325 W LOGAN HIGHWAY
GARDEN CITY, UT 84028**


LINDA HARDY
UTAH INSURANCE DEPARTMENT
STATE OFFICE BUILDING, ROOM 3110
SALT LAKE CITY, UT 84114-6901



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Insurance Department

UTAH Invoice - Original

LAVAL JENSEN
BEAR LAKE COMMUNITY HEALTH CENTER INC HDP
PO BOX 328
325 W LOGAN HIGHWAY
GARDEN CITY UT 84028

Printed Date: May 14, 2015
Invoice Date: May 14, 2015
Balance Due: \$3,000.00
Due Date: June 18, 2015
Invoice ID: 767585
Payor ID: 157380

Date	Item Description	Amount	
05-14-2015	Monetary Penalty Agency	\$3,000.00	E-Case 3615 Docket # 2015-054 LC

No Adjustments

No Payments

Balance Amount Due \$3,000.00

UTAH Invoice - Original

Make check payable to: Utah Insurance Department
Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Invoice Date: May 14, 2015
Balance Due: \$3,000.00
Due Date: June 18, 2015
Invoice ID: 767585
Payor ID: 157380

E-Case 3615 Docket # 2015-054 LC

Detach and Return this Voucher with Payment
Payments Will Not Be Processed without Voucher